

FILED IN CLERK'S OFFICE
U.S.D.C. - Atlanta

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA**

JUN 29 2011

JAMES N. HATTEN, Clerk
By: *[Signature]* Deputy Clerk

James Calvin Jones Junior
Grantor/Beneficiary/Executor

VS.

STATE OF GEORGIA
COUNTY OF DEKALB SUPERIOR COURT, et., al)
Defendant/Respondents)
Clarence F. Seeliger)
Robert James)
Lee Sexton)

CIVIL ACTION

FILE NO.

111-CV-2111

DEMAND TRAIL

BY JURY

**JUDICIAL NOTICE OF A MOTION FOR A NOTICE OF REMOVAL AND A
RULE NISI TO /DISMISSAL, PURSUANT TO ARTICLE I, SECTION I
PARAGRAPH XI, GEORGIA CONSTITUTION, OCGA 17-7-170(b), FOR
VIOLATION OF DUE PROCESS AND THE 5,6,11 AND 14TH
AMENDMENT TO THE UNITED STATES CONSTITUTION**

JURISDICTION AND VENUE

This Court has subject matter jurisdiction over this action pursuant to
federal question under 18 U.S.C.A §§ 1961-86, 18 U.S.C.A §1343 and 28
U.S.C § 1331.

Diversity subject matter jurisdiction exist over this action pursuant to 28
U.S.C § 1332 section (c) (e) and (b) any civil action which the matter in
controversy exceeds the sum or value of (\$5,000,000,.00).

Venue is proper in the Northern District of Georgia, Atlanta Division
pursuant 28 U.S.C §1391 and 18 U.S.C. § 1965 (a) in that Defendants

systematically conduct and transact substantial business in the state and District, as licensed attorney at the Bar in Georgia, the cause of action occurred in this District. People in this matter seeks relief for the defendant's wrongful malicious misapplication of statute/code/prosecution/practices and actions. People seek declaratory and injunction relief concerning (impersonating a peace officer charge) which lead to the malicious violation of due process by the defendant who do/did not have any real evidence or validity to said charges. Revocation of Power of Attorney and declaration of notice was given to cease and desist to various parties in this matter. People seek such relief on my own and humbly ask the court for guidance/ assistance for I,m not schooled in law(Haines vs. Kerner at 404 U.S 519) and have no Income to hire an adequate competent counselor. I do have family member/tribe who support me from time to time with funds, but with the economy the way is they too are lacking in the financial campaign.

COME NOW James C. Jones Junior, (hereinafter called "People/ I") a people of the United States had duly informed the District Attorney office of intent to remove case out of current jurisdiction as indicated in Certified mail #7009 2250 0001 6327 4307, also see exhibit marked "k". People files herein the above entitled-court of record for a writ of certiorari/error, Coram Nobis to inquire into the cause of due process (that was denied), Even after requesting for a speedy trial in a timely manner to be filed by counsel of record then Lee sexton, who did file it (attached hereto as evidence marked 1, but after the default time limit) of the law/excess/usurpation of jurisdiction and review proceeding/judicial/officers misconduct acts, judicial notices (certified Mail # 70092250000163274383 and 70101060000069339238 , herein attached as evidence #3,4 &4(b) with default time stipulations) defaults by inferior courts and not allowing filing of document to be record in the court (FRCP 5(4)). The restraint of liberty, pursuit of happiness and finance to support family/tribe of Jones, who has and will maintain the tranquility of peace and who is an indigenous people in the United State neither in the capacity of a citizen of the United State nor a citizen of the STATE OF GEORGIA, and not subject to the jurisdiction of the following CUSTODIANS:

STATE OF GEORGIA (A legal fiction)

Attorney General, Atlanta City Office

40 Capitol Square SW

Atlanta, Georgia 30334-1300

COUNTY OF DEKALB (A Legal Fiction)

District Attorney Office (Robert James) d.b.a D.A

ROOM # 709 Courthouse 7th Floor

556 North McDonough Street

Decatur, Georgia 30030 (404 371-2232)

The Office of Probate Judges of Dekalb County,

CLARENCE F. SEELIGER (d/b/a superior court judge/trustee)

556 NORTH McDonough ST., DECATUR, GEORGIA 30030

COURTNEY JOHNSON (a deputy district attorney/now a sitting judge)

556 North McDonough Street., Decatur, Georgia 30030 (404 371-2232)

LEE SEXTON (an attorney for LEE SEXTON & ASSOCIATES P.C.)

320 Corporate Center Court, Stockbridge, Georgia 30281

FACTS OF COMPLAINT

The defendants (hereinafter "respondents") and to the best of people knowledge/belief, has violated their office of oath, conspiracy to commit fraud and deceit interference with the court process, through manipulation (due process of the law) and under color of law and USC Title 241 & 242 (1983). On March 17, 2008) at approximately 12:00 hours, People arrived at 4024 Orchard Hill Ter located in Stone Mountain, Georgia 30083. People knocked at the front door and an adult lady¹ (attached hereto as exhibit A), stated "who is it". People said James Jones, then the lady from behind the closed door, stated again "who". At this point People replied, James Jones² a former police officer who use to work with your mother at the Clarkston Police Department³. According to the DKPD initial incident report⁴ the victim was/is the mother (Joy Adams) whom alleged receiving a subpoena from people at home the day of 3/17/2008 at 12:00 noon as indicated, attached hereto as exhibit B.

¹ adult lady was later identified as a witness who name appeared on a Dekalb County CRIMINAL ARREST WARRANT # 08W04967, Zaneta Willams the one who received a Department of Labor Hearing Subpoena in absent of the mother for whom the subpoena (as exhibit marked "L") was addressed to) Dekalb County Police Department hereinafter "DKPD".

² said his name before stating a former officer who use (past tense) work with your mother at the Clarkston Police Department, clear audio and articulable communication, not misleading at all.

³ Clarkston Police Department (hereinafter "CKPD").

People had started to see the mistakes in the case and had pointed these finding to civil counselors King and inquire about who really gave the police report. Shortly thereafter a supplemental report was filed by Ms Joy advising DKPD that an error was done on the report⁵ (attached hereto exhibit C) According to **O.C.G.A 16-10-20**⁶ she, by virtue of the initial report did willfully falsifies, a report to DKPD and to DKPD Detective J.Chamorro, as the state prosecutor.Their was/ has not been any factual evidence for an illegal/legal seizure/kidnapping called an arrest. Again after noticing the irregularity, counselor king advised me that we quickly need to do a deposition of Ms. Joy Adams and her Daughter Williams, but we only made agreement with Ms. Joy. She agreed with the aid of her attorney⁷ on September 12, 2008 to a sworn deposition. So in December,2008 after talking with counselor King⁸ and exhibit D attached hereto. People notifies DKPD Internal Affairs of the officer misconduct and false charges⁹. To no

⁴ Joy Adams reported on the initial incident that she was the recipient of the alleged incident at the same time that her daughter, Williams was too, and that Williams was a witness to the alleged incident. Page 2 of the same report reads the victim stated "she heard a knock at the door", received a DOL subpoena at 12:00 noon and **not that her daughter was giving a subpoena to give to her when she got home from work.**(like the criminal arrest warrant suggest). Joy Adams further stated in part "that the paper (people) gave her was a faxed copy of a subpoena". She was never at home to witness, or have firsthand knowledge of the event. A deposition (attached in part hereto as evidence #5)

avail my complaint was not investigated by DKPD Internal Affairs Unit, what I received from them, stated that they are a fact finding¹⁰ unit and not a disciplinary action unit. So in Feb of 2009 People went on a truth hunt to clear his name by informing every and anyone who would listen to his cry in sought for relief, through several certified mail correspondence¹¹. Then in May of 2009 as people was looking on the internet at On line justice system (hereinafter OJS) system provided by Dekalb County, People noticed that DeKalb County Superior Court Grand Jury came back with an indictment in April 27, 2009 and both counselor was quickly notified of the incident.

⁵ Ms Adams stated that there mistake on the narrative of the original report, that her daughter was the one who opened the door and that she was a victim too.(the marking on exhibit B was/is that of attorney King after we discussed the case and looking at malicious filing of a police report and slander/injury of charter).

⁶ A person who knowingly and willfully falsifies, conceal, or covers up by an, trick, scheme, or device a material fact; makes a false fictitious, or fraudulent statement or representation; or makes or use any false writing document knowing the same to contain any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of state the government or of the government of any county, city or other political subdivision of this state shall upon conviction thereof, be punished by a fine of not more than \$1,000.00 or by imprisonment for not less than one nor more than five years, or both

⁷ Brown & Gallo ccr-b-1446 (Richard Dean Whitehead) transcribed the hearing of the deposition of Joy Adams at 11:45 a.m. at 1549 Clairmont Road Suite 104, Decatur, Ga (attached herewith as evidence #5 in parts)

⁸ fax to lee sexton, criminal attorney, reference complaint to DKPD

⁹ Complaint Form for DKPD attached hereto as exhibit E and a revised statement, people changed they way he identifies the named individual.

Then Lee Sexton was notified again by phone, fax and certified mail¹² and a letter of Rogatory of people concern about the speedy trial demand. People adamantly sought the aid of his counselor of record and had to resort to certified mail, much to due to the lack/failure of communication on behalf of hired counselor part, refusing to communicate with people. On the 11th of May 2009 Lee Sexton filed his entry of appearance¹³ (attached as exhibit H) for the record after receiving documents from people in regards to the case, but not including the request/demand for a speedy trial. Violation of the Sixth Amendment, speedy trial¹⁴. On June 30, 2009 people did receive by USPS mail the discover material, attached hereto in part as exhibit I¹⁵ discovery and J¹⁶. The deposition taken by attorney King, of Ms Joy Adams matches up with that of Williams that (Ms Joy Adams) was not at home on March 17, 2008 at 12:00 noon. Also, that of people that when he arrived at located that he spoke to Williams and not Joy Adams (the alleged victim mentioned/listed in the initial report as the primary person, having primary knowledge of the incident) as the DKPD police reports as being **visible**

¹⁰ DKPD Internal Affairs Findings attached hereto exhibit F

¹¹ certified mail attached hereto exhibit G/G1, were mail out to CEO Burrell Ellis, Chief Bolton of DKPD, The Governor of Georgia, Attorney General of Georgia, my Former Chief of Savannah PD, Congressman Hank Johnson. I received back only two response from, the governor office and the attorney generals office both saying I might have to get a lawyer.

present on the same day and time. The entire DKPD incident report (attached hereto) that is rightfully call the initial report, is a hearsay report on the second hand knowledge. According to the DKPD statement form Ms Joy Adam received a phone call from, her daughter Williams after the fact. It is people knowledge and belief that after Joy spoke with her daughter she then provided this same information to DKPD as firsthand knowledge). My competent counsel failed, to move on this new information and the speedy trial. After finally realizing that the counselor that was hired, prejudice the case people sought to have him fired/terminate (attached hereto as exhibit K, with a REVOCATION OF POWER OF ATTORNEY CEASE AND DESIST) as his lead counselor¹⁷. People had been objecting (that the respondent had/have no claim all the time, but my counselor and the court would not allow it to be placed on the record, so after terminating counselor fiduciary services people tried to file for himself and was denied by the Superior court even after counselor had been terminated 4/20/2010. Rule 5 (4)¹⁸. After his termination Lee Sexton reminded the court to issue a bench warrant, for failure to appear (by people) after the judge stated that he heard from me to both counselors (exhibit "k").

¹² **certified mail and fax document inquiring about the deadline/default for filing a speedy trial demand and to file before the deadline in June**

24, 2009 he never did respond until July 27, 2009 at which time the judge by request of the prosecutor had it denied on the July 28, 2009, due to the time filed by lee sexton a thirty years veteran in litigation and trail case and he forgets the deadline of default procedures criminal/any default procedures and he submit a one page document late.(see judge denial of the speedy trial as evidence 1, with state response and 1(a)(b) and (c) documents requesting by people not to go into default in reference to the speedy trial) Counsel was not responding to call that I left at his office, so i started sending certified mail and still no respond, so the Certified mail was now being used as documentation that i tried to contact counsel. violation of rule 1.4 communication state bar of georgia.

¹³ an online account summary of the filing dated 3/27/2008 to present

¹⁴ The Sixth Amendment guarantee that "[i]n all criminal prosecutions, the accused shall enjoy the right to a speedy trial".

¹⁵ count one were the grand jury was provided fraudulent documentation (by the DA office) of the parties present on March 17, 2008 informing them that two parties were mislead. **(were the two parties appeared for the first time together on paper,** and the DA having knowledge, willfully used trick and deceit to mislead the grand jury). exhibit L (copy of subpoena)

¹⁶ DKPD of a sworn statement of Williams that when she open the front door to her mother home she reiterated the same thing back, that was said by people (according to the police report she stated in part **"still not understanding his statement completely...and after the frustration of trying to understand him, I opened the door.... well said could you hear me I was saying former officer of Clarkston Police Dept. I said I couldn't hear his entire statement clearly and was under the impression he was a Clarkston officer.....I did open the piece of paper saw that it was a subpoena and then called my mom"**).

¹⁷ a negative averment was mailed certified to the superior court, DA Office and also hand delivered for immediate filing for the record.(it was never recorded). It advised that the counselor inability to move the case forward after having overwhelming supporting documents to close/dismiss. Its people knowledge and belief that these document had Sexton stricken from the record and this is where people asked for an ARTICLE III JUDGE AND JURISDICTION.

¹⁸ acceptance by the clerk. The clerk must not refuse to file a paper solely because it is not in a form prescribed by these rules or by local rules or practice

¹⁹ defendant motion to withdraw bench warrant and place his case on the next speedy jury trial calendar and a Rule Nisi petition filed by(esq King).

O.C.G.A § 9-11-15: (a) Amendments. A party may amend his pleading...before the entry of a pretrial order... **A party may plead or move in response to an amended pleading...** (b) amendments to conform to the evidence. When issue not raised by the pleadings are tried by express or implied **consent** of the parties, such amendment may be necessary to **cause them to conform to the evidence...** (also rule 15(b) and rule 32(a)(2)-8.

(I ask your honor was this incompetency on Lee Sexton responsibility to not adequately represent his client or was this a Willful, intentionally, malicious negligence to file for a speedy trial knowing it was already in default and that it would be denied.)

Since people did not answer the call of the said name (voluntarily) (which would have given them the jurisdiction they needed, prior to this date they had shown that they were not capable of being honorable), they entered a bench warrant. I was present for court and (by special appearance filed with the court that day, and not being in default. People did not receive any documents from the court of a scheduled hearing in references to removal of a bench warrant, by motion/date of a rule nisi, left open). There was no need for the bench warrant if people was at court that day. The burden of prove relies on the court to prove that people wasn't present and they haven't yet, also due to evidence produce by attorney King¹⁹ (attached as exhibit M). If no request/demand/summons of a hearing to remove bench came from the court (procedures) how is people liable.

The clerk failed her duties,(the **internal operating procedures DeKalb County Superior Court Stone Mountain Judicial Circuit, 8(c) Duties of Court Clerk and Calendar Clerk ...**"the scheduling and calendaring of any hearing or trial in each assigned action shall be the responsibility of the assigned judge's calendar clerk, acting under the direction of the assigned judge"

Again people cannot be at fault for missing a hearing that was neither, on the motion calendar, nor showing as a "scheduled Event" on the Docket report (attached herewith as exhibit H) and no proof of service by the court.

According to rules of all courts, the main objective is to have the case

complete as efficiently as possibly. Once the issue is settled there is nothing left to discover. It was proven even before discovery that people did not mislead Williams, nor Ms Joy Adams, that they put them self in a state of impression/assumption as did the D.A office. Nothing was displayed to their eyes, vision or mind by, (force,threat,duress,intimidation or coercion) by people, any concept other than stated (the audible sound uttered of "former") How anyone can conclude (active/current from the word "former") is the real merit here. DKPD et al, DeKalb County Superior Court et al, District Attorney et al, lacks Rule 12(b)(h)(3)²⁰. Ms. Joy Adams and Williams has no standing (injured party in fact) or has filed a claim/complaint. There is no controversy before the DeKalb County Superior Court et al, the entire case was accepted for value in which people had agreed to perform to go to jail-pay the fine-etc...but that was predicated upon proof of claim. The prosecutor has failed to bring forth proof of claim,has failed to state a claim upon which relief can be granted and has stipulated to the facts as they operates in favor of people. The acceptance and formal acceptance of the

²⁰ lack subject-matter/personal jurisdiction,improper venue, insufficient process/service of process and failure to state a claim upon which relief can be granted; and if the court determines at any time that it lack subject matter jurisdiction the court must dismiss the action.

prosecutor (office of District Attorney) and all the facts touching upon these matters are/were before the court. I do not know what to do.. what's my remedy/relief, sent by USPS certified mail # **70092250000163274482** and they were to respond to a third party notary as proof for people record and for some strange reason the green return receipt never made it back to the sender, so people download from the USPS web page, the confirmation that the document were delivered/received to the respondents as address (attached hereto as evidence #2, this was during the time the defacto attorney Lee Sexton was terminated, before counsel King was retained (by people's natural parents). The court was still not allowing filing of people document in the court, violation rule 5(4) and they were provided with a letter referencing there interference of documents presented to the court (attached as evidence 3(b)).

ARGUMENTS & CITATIONS OF AUTHORITIES
MEMORANDUM OF POINTS AND AUTHORITIES

There was/were no injured party (standing), (anyone, respondents) that can take the stand under oath/penalty of perjury and state a claim for relief save myself. We also have the right to be heard, the minimum constitutional requirements for standing are: proof of an injure-in-fact, causation, and redressability. *Valley Forge*, 454 U.S.at 475. In addition, the defendant must be a proper proponent, and the action a proper vehicle, to vindicate the rights asserted". *Coyne*, 183 F. 3d at 494 (quoting *Pestavk v. Ohio Election Comm,n* 926f.2d 573,576 (6th Cir. 1991). To satisfy the requirement of Article III of the United States Constitution, he must show he has personally suffered some actual injury from defendant. (Emphasis added). *Coyne*, 183 F.3rd at 494; *Valley Forge*, 454 U.S.at 475. The plaintiff and injured party must contain "a short and plain statement of the claim showing that the pleader is entitled to relief". Under rule 8(2)(c)&rule 12(b)6 or O.C.G.A § 9-11-12(b)(6).a complaint is due to be dismissed if it "[f]ail[s] to state a claim upon which relief can be granted". See *Carole Lyden Smith Enters. Inc. v. Mathew*, 193. App.320, 387, SE2d 577,578(1989) ALLEN V. WRIGHT, 468U.S. 737 (needs standing) parenthesis added. A motion to dismiss for failure to state a claim should be granted if it appears to a

certainty that the plaintiff would be entitled to no relief under any state of facts which could be proved in support of plaintiff claim. Neither of the above listed parties/respondents received a loss or sustain an injury indirect/direct as a result to alleged charged, nor was it stated or disclosed to people. Also when the true bill (the indictment) was presented, people was not made aware of by any process of service mailed out. **O.C.G.A 17-7-52:** indictment against peace officer; procedure (a) before an indictment against a present or former officer charging the officer with a crime which is alleged to have occurred while he or she was in the performance of his or her duties is returned by the grand jury the officer shall be notified of the contemplated action by the district attorney of the county wherein the grand jury shall convene and the officer shall be afforded the rights provided in code section 45-11-4.

Title 45-11-4 which include the right to receive a copy of the indictment before it is presented to the grand jury; to be present, with counsel, during the presentation of evidence before the grand jury; and to make a sworn statement to the jury at the close of the State's presentation.

To which was not afforded to people when he made inquiry to his counselor about being present at the grand jury hearing.

Violation of Title 45-11-4 (c)²¹ A conviction for violating subsection (b) of this Code section shall be punished as for a misdemeanor and, upon conviction in a court of competent jurisdiction, the accused shall be removed from office.

²¹ pre emergence of violation of due process and violation of their own oath/ constitution and OCGA 17-7-170 (b) and 17-7-190 attendance of witness before a grand jury (People received no subpoena to appear at grand jury)

The supreme court up held that "ministerial officer are incompetent to receive grant of judicial power from the legislature; their act in attempting to exercise such power are necessarily nullities. *Burns v. Sup., Ct., SF,140 Cal.1.*" "When acting to enforce a statue and its subsequent amendment to the present date, the judge of the municipal court is acting as an administrative officer and not in a judicial capacity; courts in administering or enforcing statutes do not act judicially, but merely ministerially. *Thompson v. Smith, 154 SE 583.* Also the DKPD et al, is liable for violations OCGA § 16-5-40 kidnapping, TITLE 18,PART 1 CHAPTER 13 § 241 & § 242 USC (1983). 241 USC, **If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, commonwealth, Possession, or district in the free exercise or enjoyment of any right or privilege secure to him by the Constitution or Law of the United States, or because of his having so exercised the same; or...**

If two or more person go in disguise on the highway, or on the premises of another, with the intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured-

They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the act committed in violation of this section, or if such act include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.

Two or more did kidnapping, injure, oppression,threaten,conspire, intimidate and the attempt to kill by the DKPD/DeKalb County Sheriff Deputy²² coming out to people home with guns, with the intent to

prevent or hinder his free exercise or enjoyment of any right or

privilege so secured. 242 USC, **Whoever**, under 'color' of any law, statute, ordinance, regulation, or custom, willfully subject any person in any State, territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the constitution or law of the United States, or two different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, that are prescribed for the citizen, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury result from the act committed in violation of this section, or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years or for life, or both, or may be sentenced to death.

(All parties herein named and their office they sworn to hold/assigned did violated their oath of office and both Constitution that they took an oath to uphold. Lee Sexton denial of timely speedy trial request and the Prosecutor Denial of full disclosure of discovery is in direct violation of Constitutionally secured Rights to :

"Due Process of Law" which is a direct violation of their oath of office (of speedy trial, and Title 45-11-4). "Due process of the law implies the right of the person affected thereby to be present before the tribunal which pronounces judgement upon the question of life liberty, or property, in its most comprehensive sense; to be heard, by testimony or otherwise, and to have the right of controverting, by proof, every material fact which bears on the question of right in the matter involved" "If any question of fact or liability be conclusively presumed against him, this is not due process of law, Zeigler v. Railroad Co., 58 Ala.599'

²² Dekalb County Sheriff Office, hereinafter DKSO

PEOPLE WAS NOT FULLY DISCLOSED INFORMATION THAT HE WAS AFFORDED THE RIGHT TO BE AT THE GRAND JURY INDICTMENT HEARING, WHICH PUT PEOPLE LIFE, LIBERTY, Pursuit of happiness OR PROPERTY IN DANGER. People had sought an inquiry (through

mail, fax and phone) as to see if his, then counselor had attend the indictment hearing, and if he had indeed attend, what did he say on behalf of people, since people had provided him with all the documents and a copy of Ms. Joy Adams deposition herein mentioned dated leading up to the indictment date. People never did received an answer/response to this question (STATE BAR OF GEORGIA under client law relationship rule 1.4 communication and rule 3-106 of Cannon 6). Lee Sexton failed the requirement of the 5th Amendments that all persons within the United State must be given due process of the law and equal protection of the law.

Citing the balancing test stated in ***Barker v. Wingo***, 407 U.S. 514 described length, reason for delay, assertion of rights and prejudice to the defendant". Lee Sexton failure or unwillingness over an inordinate period of time to move the case forward was a tactic to let the prosecutor gather more time to build a case based on fraud / conspiracy and deceit (**length of delay**). Lee Sexton filed into court numerous conflict letters²³ attached

as exhibit N., of which were for vacation, GACDL seminar, Brasstown Valley Resort all in 2008 and vacation, and more in 2009 (**reason for delay**) After people request repeatedly and adamantly for him to enter a demand for a speedy trial before going into default (**prejudice to the defendant**). Lee Sexton appropriated funds for conversion of service without given people any real adequate legal/lawful service (conversion in the second degree). The retained counsel (Lee Sexton), act on behalf of their clients, and delays sought by counsel are ordinarily attributable to the defendant they represent, but as you can see he did not act on people behalf, people has always push and asserted not going into a default and to file the speedy trial demand in a timely manner period. Retained counsel and the Prosecutor are at fault for the delay. As parties to the Compact of the United States Constitution (these parties herein named as follows; judges of probate office, Clarence F. Seeliger, State board of Georgia, Lee Sexton, District Attorney Offices (Robert James) Courtney Johnson, et. al) further agreed that the enumeration in the Constitution of certain Rights shall not be construed to deny or disparage others retained by the People (Article Bill of rights to the Constitution for the United States). The court did/

²³ leave of absence

do not have subject-matter jurisdiction, but sought it through hired gunman, through threats, duress, coercion and kidnapping. In interest of M.V., 288iii.App.3d 300, 681 N.E.2d 532 (1st Dist. 1997). Without subject-matter jurisdiction, all of the orders and judgment issued by a judge are void under law, and are of no legal force or effect. ("every act of the court beyond that power is void")

Centralized Small Claims is not an Article III court; and has no delegated jurisdiction / authority under the Supreme Law of the Land, and unconfirmed by the Congress of the United States.

"The parties to the Compact of the United States Constitution further agreed that the enumeration in the Constitution of certain Rights shall not be construed to deny or disparage others retained by the People (Article 9 of the Bill of Rights to the Constitution for the United States)." (herein named et., al)

"When acting to enforce a statute and its subsequent amendments to the present date, the judge of the municipal court is acting as an administrative officer and not in a judicial capacity; courts in administering or enforcing statutes do not act judicially, but merely ministerially. Thompson v. Smith, 154 SE 583."

". . . Courts in administrative issues are prohibited from even listening to or hearing arguments, presentations, or rational. ASIS v. US, 568 F2d 284."

"Ministerial officers are incompetent to receive grants of judicial power from the legislature, their acts in attempting to exercise such powers are necessarily nullities. Burns v. Sup., Ct., SF, 140 Cal. 1." *that a law repugnant to the Constitution is void, and that courts, as well as other departments, are bound by that instrument.*

IN CONCLUSION

*I am an indigent natural person (due to these parties herein mentioned malicious attack) as evidence by counsel King (that my parents provided funds to seek counsel). I pray that I did/do not offend your honors with my style of presenting my affidavits, since I am not schooled in law, Haines vs. Kerner at 404 U.S. 519. As a learnt MEMBER of law/CODES (Georgia State Bar licensed). I reserved all right to come at a later date and time with a (court competence attorney) to sue for compensation for damages for (**tort, notified to them by way of evidence #2 dated 4/17/10 proof of claim**) and violations herein of their duties of office as follows.*

*Or if by law I must make a special plea and prayer therefore and where defendants has acted in bad faith, has been stubbornly litigious, or has caused people unnecessary trouble and expense (O.C.G.A § 13-6-11). Perhaps the most significant point about damages under this O.C.G.A § 13-6-11 is one articulated by the court of appeals in its interpretation of the statute as it relates to timing. Specifically, the Court of Appeals has held that the element of bad faith or stubborn litigiousness that will support a "13-6-11" claim "must relate to the act in the transaction itself prior to the litigation, not to the conduct during or motive with a party proceeds in litigation" *Fresh Floors, Inc. v. Forrest Cambridge Apartment, LLC*, 257 Ga. App. 270, 570 S.E.2d 590 (2002); *David G. Brown, P.E. v. Kent*, 274 Ga. 849, 561 S.E.2d 89 (2002). In a wrongful foreclosure action, the injured party may seek damages for mental anguish in addition to the cancellation of the*

foreclosure. *DeGolyer v. Green Tree Servicing, LLC*, 291 Ga. App. 444, 662 S.E.2d 141, 147 9Ga. Ct App. 2008). "As a general precept, damages for mental distress are not recoverable in the absence of physical injury where the claim is premised upon ordinary negligence. However, when the claim is for intentional misconduct, damages for mental distress may be recovered without physical injury". *Clark*, 196 Ga. App at 457-58; S.E 2d at 886 (quoting *Hamilton v. Powell, Goldstein, Frazer & Murphy*, 252 Ga. 149, 150, 311 S.E.2d 818 (Ga. 1984). Even in an emotional distress action. *Mc Carter v. Banker Trust Co.*, 543 S.E.2d 755, 758 (Ga.Ct. App. 2000).

As a direct and proximate result of the defendant's herein named false and malicious, violation of oath of office, fraudulent report of of a crime by the District attorney office, to the grand jury, people incurred bond cost in execess of \$1,000.00

As a direct and proximate result of the defendant's herein named false and malicious, violation of oath of office, fraudulent report of of a crime by the District attorney office, to the grand jury, people is in need of counseling for emotional and mental distress.

WHEREFORE, people request/demands/relief:

(1) A judgement against the defendants in the amount of

29,000,000.00 to compensate people for serve emotional distress for (almost 4 years)

(2) A judgement against the defendants in the amount of 138,000.00 to compensate him for attorney/people fees incurred in defending the false and malicious allegations;

(3) A judgement against defendants in the amount to be determined at trial for the lost income and employment benefits;

(4) A judgement against the defendants in the amount to be determined at trail for the cost of the criminal bond

Finally, again according to the DKPD witness statement form herein, herewith provided, Zaneta Williams written confession, she say that after unable to hear what people was saying to her through/by the front door being closed (**still at this point not mislead/or held himself out as a current Clarkston Police officer/peace officer**).

So she opened the front door and in the same written statement for DKPD, she further stated in part "**well said could you hear me I was saying former officer of Clarkston Police Dept. I said I couldn't hear his entire statement clearly and was under the impression he was a Clarkston officer.** (Notice this is what she said, people did not repeat this

after she opened the door.) people thought she heard him and so when the door opened people said was Ms. Joy Adams home and then a conversation ensued. She clearly was made aware that he was not a current officer (if she had reasonable doubt), she again repeated (in written form) what was said to her "**Former officer**". At no time did people place her under any spell/impression/threat, that she did not do to herself. Also in part "Williams could not hear the entire statement (due to some dogs barking and **"still not understanding his statement completely...and after the frustration of trying to understand him, I opened the door"**. Then calling her mother after people had left the location, to inform Joy Adams (again at this point not mislead by people, **if indeed she was mislead, it was by her daughter Zaneta Williams**) of what had transpired in her (Ms. Joy Adams) absent at the location. So since the new DA Robert James might not be aware of the prosecutorial misconduct actions(*Bradly v Maryland* (1963) ***in which prosecutors must inform defendants of evidence that points to their innocence.***), by the pervious successors. Notice for filing in the Superior Court was was given (April 7, 2011 via USPS CM # **7008 2810 0002 0113 8063** through third party counsel King, by a letter of Rogatory. It was signed by him on April

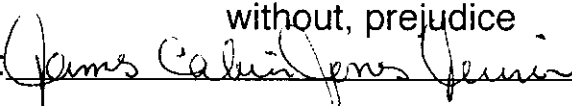
19th 2011.) Also on June 21th 2011 a notice of removal and a notice to bring suit only (for the herein mentioned) by Rogatory to counsel King was faxed, email and mailed first class mail and Certified mail #7008

2810000201138070 and also last # ending in 8087, instructing him to inform the court and all parties., et al, that People request/demand that his case #09CR2680-3/09CR2680 to be remanded/REMOVAL up to the UNITED STATE DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA (as was indicated in Certified Mail # 7009 2250 0001 6327 4307.

Also for the record People will do his bes to use due diligence when serving party even though finding their registered agent (DeKalb Superior Court) is not alway easy to find/locate. **All parties were informed by Judicial**

Notice In Nature of Writ of Coram Nobis to cure the default.

If executed without the United States: "I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (24th June, 2011). If executed within the United States, its territories, possessions, or commonwealths: "I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (24th June, 2011). **Even after the house apologize in HJR 194 to the indigenous native/ancestor, there is still injustice of modern day lynching still going on.**

BY(Grantor/beneficiary):  without, prejudice

James Calvin Jones Junior, pro per

Po Box 5986 Atlanta, Ga [31107]